

Case 1:11-cv-06425-AKH Document 61 Filed 08/16/13 Page 1 of 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* JOHN
DOE and THE STATE OF NEW YORK *ex rel.*
JOHN DOE,

Plaintiffs,

v.

STRUCTURED EMPLOYMENT ECONOMIC
DEVELOPMENT CORPORATION,

Defendant.

UNITED STATES OF AMERICA

Plaintiff-Intervenor

v.

STRUCTURED EMPLOYMENT ECONOMIC
DEVELOPMENT CORPORATION, ALEX MR.
SAAVEDRA, SHOMARI GREENE, ALAN KATZ,
TAGEWATEE CHANDARPAUL, SHANDELL
SANTIAGO-VELEZ, MITCHELL MCCLINTON,
and MONIQUE TARRY,

Defendants.

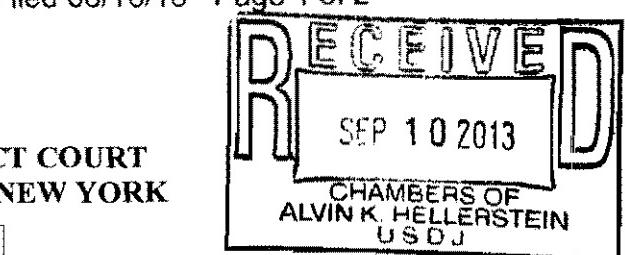
DEFENDANT ALEX SAAVEDRA'S NOTICE OF MOTION
TO DISMISS THE AMENDED COMPLAINT IN INTERVENTION
OF THE UNITED STATES OF AMERICA

I shall meet with counsel for all
unsettled parties on Nov. 1, 2013, 10:00 am
at a status conference, ad to review progs
going forward.

9-11-13

Alvin K. Hellerstein

No. 11 Civ. 6425 (AKH)



Motion denied.
The amended complaint
in intervention, adequately
alleges the participation
of def't Saaedra in
the plan, with the other
defendants. Aplt. congres
(set, e.g., ¶¶ 33, 41, 45, 53),
in violation of the False
Claims Act and common
law fraud.
The claim shall now
be terminated.
doc. # 61

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the defendant Alex Saavedra will move this Court before the Honorable Alvin K., Hellerstein at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be set by the district court for an Order:

- (1) Pursuant to Fed.R.Civ.P. 12 (b)(6) granting Mr. Saavedra's Motion to Dismiss the Complaint with prejudice, for failure to state a claim upon which relief can be granted;
 - (2) Pursuant to Fed R.Civ. P. 9 (b) for failure to plead the claims for relief with sufficient particularity; and
 - (3) for such other relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Rules of the Court opposing papers should be submitted within fourteen days after service of this motion or any agreed upon adjourn date acceptable to the Court.

Dated: New York, New York
August 16, 2013

Respectfully Submitted,

/s/
BETTINA SCHEIN

565 Fifth Avenue 7th Floor
New York, New York 10007
Counsel for Defendant Alex Saavedra

To: AUSA Sarah J. North
United States Attorney's Office
Southern District of New York
86 Chambers Street
New York, New York 10007

Clerk of the Court

Judge wrote:

“Motion denied. The amended complaint in intervention adequately alleges the participation of defendant Saavedra in the fraud, with the other executives of the company (see, e.g. ¶¶ 33, 41, 45, 53), in violation of the False Claims Act and common law fraud.

The Clerk shall mark doc. #61 terminated. I shall meet with counsel for all unsettled parties on November 1, 2013, 10:00 a.m. at a status conference, and to review progress going forward.

9-11-13

Alvin K. Hellerstein”